STATE OF CALIFORNIA—OFFICE OF ADMINISTRATIVE LAW

NOTICE PUBLICATION/REGULATIONS SUBMISSION

REGULAR

2018-1130-03

STD. 400 (REV. 01-2013)

OAL FILE NUMBERS	NOTICE FILE NUMBER	REGULATORY ACTION NUMBER	EMERGENCY NUMBER
	Z-2018-0123-04	2018-1130-03	

For use by Secretary of State only

ENDORSED - FILED
In the office of the Secretary of State
of the State of California

JAN 15 2019
1:37 pm

For use by Office of Administrative Law (OAL) only

2018 NOV 30 P 1:44

OFFICE OF
ADMINISTRATIVE LAW

NOTICE	REGULATIONS

AGENCY WITH RULEMAKING AUTHORITY
California Department of Social Services

AGENCY FILE NUMBER (If any)
ORD #0217-09

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE	TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE

3. NOTICE TYPE Notice re Proposed Regulatory Action ☐ Other ☐	4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)

OAL USE ONLY	ACTION ON PROPOSED NOTICE ☐ Approved as Submitted ☐ Approved as Modified ☐ Disapproved/Withdrawn	NOTICE REGISTER NUMBER 2018, 05-Z	PUBLICATION DATE 2/2/2018

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S)
Post-Adoption Contact Agreement

1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)

2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)

SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)	ADOPT 35064
	AMEND *per agency request* kv. 1/15/19 MPP only: 31-002. Title 22: 35000, 35001, ~~35127.1~~, 35129, 35129.1, 35152.1, 35152.2, See Attached.

TITLE(S) MPP/Title 22	REPEAL 35179.1, 35209

3. TYPE OF FILING

☒ Regular Rulemaking (Gov. Code §11346)
☐ Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)
☐ Emergency (Gov. Code, §11346.1(b))

☐ Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.
☐ Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)

☐ Emergency Readopt (Gov. Code, §11346.1(h))
☐ File & Print
☐ Other (Specify)

☐ Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
☐ Print Only

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)
☒ Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))
☐ Effective on filing with Secretary of State
☐ §100 Changes Without Regulatory Effect
☐ Effective other (Specify)

6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY
☐ Department of Finance (Form STD. 399) (SAM §6660)
☐ Fair Political Practices Commission
☐ State Fire Marshal
☐ Other (Specify)

7. CONTACT PERSON Kenneth Jennings	TELEPHONE NUMBER (916) 657-2586	FAX NUMBER (Optional) (916) 654-3286	E-MAIL ADDRESS (Optional) kenneth.jennings@dss.ca.gov

8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE

DATE
11/19/2018

TYPED NAME AND TITLE OF SIGNATORY
PETE CERVINKA, Chief Deputy Director

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

JAN 15 2019

Office of Administrative Law

Notice Publication/Regulations Submission (STD. 400) Attachment:

B.2. Sections Affected, AMEND: 35177, 35179, 35181, 35183, 35211, 35215, and 35315.

Amend *Manual of Policies and Procedures (MPP)* Section 31-002 to read:

31-002   DEFINITIONS   **31-002**

(a) - (j)   (Continued)

(k)   (1)   "Kinship Adoption" means the adoption of a dependent child by a relative or a relative of the child's half-sibling as defined in Family Code Section 8714.5, which may be accompanied by a ~~kinship~~ <u>post-</u>adoption <u>contact</u> agreement.

    (2)   "~~Kinship Adoption~~ <u>Post-adoption Contact</u> Agreement" means a written agreement pursuant to Family Code Section ~~8714.7~~ <u>8616.5</u>.

    (3) - (4)   (Continued)

(l) - (q)   (1)   (Continued)

(r)   ~~(1)~~   ~~"Recruitment" means to find and develop resources which are necessary but do not exist or which exist but must be expanded.~~

    ~~(2)~~<u>(1)</u>   (Continued)

    ~~(3)~~<u>(2)</u>   (Continued)

    ~~(4)~~<u>(3)</u>   (Continued)

    ~~(5)~~<u>(4)</u>   (Continued)

    ~~(6)~~<u>(5)</u>   (Continued)

    ~~(7)~~<u>(6)</u>   (Continued)

(s) - (z)   (Continued)

Authority Cited: Sections 10553, 10554, and 10850.4, Welfare and Institutions Code and Assembly Bill 1695, Section 21, Chapter 653, Statutes of 2001.

Reference: Sections 224.1, 224.6, 300, 306, 306.6, 309, 319, 360, 361, 361.2, 361.3, 361.31, 361.4, 361.7, 362.7, 366.22, 366.24, 366.26, 366.3, 391, 636.1, 706.6, 727, 727.2, 728, 4094, 4094.5, 4094.6, 4094.7, 5585.58, 5600.3, 10553, 10553.1, 10553.12, 10554, 10850.4, 11100, 11105, 11108.15, 11155.5, 11362, 11391, 11400, 11402, 11404, 11467.1, 16001.5, 16001.9, 16010, 16012, 16501, 16501.1, 16503, 16504, 16506, 16507.5, 16516.5, 16520, 16521, 17736, and 18951, Welfare and Institutions Code; Sections 11105.08, 11165 et seq., and 11170, Penal Code; Section 265, Civil Code; 25 USC 1901, 1903, 1912(d), 1915, 1919, and 1931(b)~~,~~; 42 USC 622(b)(7), 673, 675, 679, ~~and~~ 1305 and 1996b; 45 CFR 233.120; Sections 1502, 1505, 1505.2, 1522, 1522.06, and 1530.8, Health and Safety Code; Sections 7002, 7901, 7911, 7911.1, ~~and~~ 7912, 7950, 8616.5 and 8714.5, Family Code; Public Law 105-89 (Adoption and Safe Families Act of 1977); and California Rules of Court, rule 5.552.

Amend Section 35000 to read:

35000   DEFINITIONS

(a)   (1) through (j)   (Continued)

(k)   ~~(1)~~   ~~"Kinship Adoption Agreement" means a written agreement among a child's birth and adopting relatives pursuant to Family Code Section 8714.7.~~ <u>Reserved</u>

(l)(1) through (p)(10)   (Continued)

(p)   (11)   <u>"Post-adoption Contact Agreement" means a voluntary written agreement entered into by the child's birth relatives, including the birth parent(s) or an Indian tribe, and the adoptive parent(s) pursuant to Family Code section 8616.5 or subdivision (f) of Section 8620.</u>

         (~~11~~ <u>12</u>)   (Continued)

         (~~12~~ <u>13</u>)   (Continued)

(q) through (r)(3)   (Continued)

(r)   ~~(4)~~   ~~"Relative" means, for the purpose of an agency adoption with a kinship adoption agreement, an adopting relative as defined at Family Code Section 8714.7(c).~~

         ~~(5)~~<u>(4)</u> (Continued)

         ~~(6)~~<u>(5)</u> (Continued)

         ~~(7)~~<u>(6)</u> (Continued)

         ~~(8)~~<u>(7)</u> (Continued)

         ~~(9)~~<u>(8)</u> (Continued)

         ~~(10)~~<u>(9)</u>   (Continued)

         ~~(11)~~<u>(10)</u>   (Continued)

(s)(1) through (z)   (Continued)

Authority cited: Sections 10553, 10554 and 16118, Welfare and Institutions Code; Section 1530, Health and Safety Code; and Sections 8608, 8621 and 8901, Family Code.

Reference: Sections 10800, 16000, 16100, 16115, 16118, 16119, 16120, 16120.1 and 16121, Welfare and Institutions Code; Sections 3014, 6500, 7002, 7601, 7602, 7610, 7611, 7612, 7660, 7661, 7662, 7663, 7664, 7665, 7666, 7669, 7802, 7807, 7808, 7820, 7821, 7822, 7823, 7824, 7825, 7826, 7827, 7828, 7829, 7890, 7892, 7893, 8502, 8503, 8506, 8509, 8512, 8515, 8518, 8521, 8524, 8527, 8530, 8533, 8539, 8542, 8545, 8600, 8706, 8714, 8714.7, 8801(b), 8802, 8817, 8909 and 9202, Family Code; Section 1502, Health and Safety Code; Sections 1502(a)(9), 1502(a)(10) and 13290, Government Code; 8 USC 1101(b)(1)(F); 25 USC 1901, 1903(2), (3), (4), (5), (6), (8), (9), (11), and (12); 42 USC 673 and 675; Section 11105(a)(2), Penal Code; and 28 CFR Section 16.31; and 45 CFR 1356.41(i).

Amend Section 35001 to read:

35001   DEFINITIONS - FORMS   **35001**

The following forms, which are incorporated by reference, apply to the regulations in Title 22, Division 2, Subdivision 4, Chapter 3 (Adoption Program Regulations).

(a)   (1) through (j)(5)   (Continued)

(j)   (6)   "Adopt-310" (1/~~99~~18) means the form entitled, "~~Kinship Adoption~~ Contact After Adoption Agreement."

       (7) through (z)   (Continued)

Authority cited: Sections 10553, 10554, 16118, and 16120 Welfare and Institutions Code; and Section 8621, Family Code.

Reference: Sections 16105, 16118, and 16120.05, Welfare and Institutions Code; Sections 8500 et seq., 8600 et seq., 8700 et seq., 8800 et seq., 8900 et seq., 9100 et seq., and 9200 et seq., Family Code.

Adopt Section 35064 to read:

35064   POST-ADOPTION CONTACT AGREEMENT   35064

(a)   A post-adoption contact agreement means the ADOPT-310 "Contact After Adoption Agreement" form and attachments to that form, if any.

HANDBOOK BEGINS HERE

(1)   The post-adoption contact agreement is intended to ensure specified contact between the birth parent or parents, other birth relatives, including siblings and half-siblings, or an Indian tribe if the case is governed by the Indian Child Welfare Act (ICWA), and the child, after the child has been adopted.

(2)   An attachment to the ADOPT-310 may include but is not limited to:

(A)   A written statement between specified relatives and the adoptive parent about remaining in contact with the child after adoption and specifying the reasons for continued contact.

(B)   An explanation of the type of contact with the child after adoption.

HANDBOOK ENDS HERE

(b)   The signed post-adoption contact agreement must be filed in the court in which the adoption petition has been filed prior to the adoption finalization hearing.

(1)   If the petitioner has entered into a post-adoption contact agreement with the birth parent, relative, or tribe prior to the filing of the petition for adoption, the post-adoption contact agreement must be attached to and filed with the petition for adoption.

(2)   If the post-adoption contact agreement is filed by the prospective adoptive parent or parents separately from the petition for adoption, the prospective adoptive parent or parents shall provide a copy of the post-adoption contact agreement to the department, county adoption agency or the licensed adoption agency.

(c)   When the adoption request includes a proposed post-adoption contact agreement, the department, county adoption agency, or the licensed adoption agency shall review the agreement and any attachments to determine whether all of the following requirements are satisfied:

(1)   The post-adoption contact agreement has been entered into voluntarily by all parties to the agreement and is in the best interests of the child.

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(2)   The child has consented to the terms and conditions of the post-adoption contact agreement if the child to be adopted is 12 years of age or older.

HANDBOOK BEGINS HERE

(A)   Regardless of age, a child who is a juvenile court dependent or the subject of a dependency petition shall be represented by an attorney for any post-adoption contact agreement.

HANDBOOK ENDS HERE

(3)   The terms of the post-adoption contact agreement are limited to any of the following:

(A)   Visitation between the child and the birth parent(s).

(B)   Visitation between the child and other birth relatives, including siblings and half siblings, and the child's Indian tribe if the case is governed by the Indian Child Welfare Act (ICWA), but only when the child has a preexisting relationship with the birth relative or relatives at the time of the execution of the agreement.

(C)   Future contact between the child or an adoptive parent, or both, and the birth parent(s).

(D)   Future contact between the child or an adoptive parent, or both, and other relatives including siblings and half siblings, and the child's Indian tribe if the case is governed by the Indian Child Welfare Act (ICWA), but only when the child has a preexisting relationship with the birth relative or relatives at the time of the execution of the agreement.

(E)   Provisions for sharing of information about the child in the future with a birth parent or parents or other birth relatives including siblings and half siblings, or the child's Indian tribe if the case is governed by the Indian Child Welfare Act (ICWA).

HANDBOOK BEGINS HERE

1.   Examples of sharing information include, but are not limited to, any of the following:

a.   Sharing photos of the child on an agreed upon schedule.

b.   Sharing verbal information about the child on an agreed upon schedule.

          c.   Sharing written information about the child on an agreed upon schedule.

HANDBOOK ENDS HERE

(d) (1) The department, county adoption agency, or licensed adoption agency shall advise the parties to the post-adoption contact agreement if any determination made under Sections 35093, 35127.1 or 35283 will cause the agency to recommend that the court not grant the post-adoption contact agreement.

    (2) The department, county adoption agency, or the licensed adoption agency shall include in its report to the court the agency's recommendation as to whether the court should grant the proposed post-adoption contact agreement privileges.

       (A) If the court does not order the post-adoption contact agreement, the department, county adoption agency, or licensed adoption agency shall notify all parties to the post-adoption contact agreement.

Authority cited: Sections 10553 and 10554, Welfare and Institutions Code; Section 1530, Health and Safety Code; and Section 8621, Family Code.

Reference: Sections 8616.5, 8714.5 and 8715, Family Code; California Rules of the Court, rule 5.451.

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Amend Section 35129 to read:

35129   SERVICES FOR THE BIRTH PARENT   35129

(a)   Before accepting a relinquishment of a child for adoption from a parent who is physically present in California, the agency shall:

     (1) - (C)4.b. Handbook   (Continued)

     (2)   Provide counseling that, at a minimum, is intended to assist the parent to:

         (A)   Understand his or her feelings regarding relinquishing the child for adoption and the long range implications of relinquishing the child for adoption, and

         (B)   Freely make his or her choice regarding relinquishing the child to the agency for adoption.

            1.   If the parent elects to relinquish the child, the agency shall also provide counseling to assist the parent in deciding:

               a.   (Continued)

               b.   ~~In the case of an adoption by kin, whether~~ Whether the parent ~~wishes~~ elects to ~~complete~~ participate in a ~~Kinship Adoption Agreement~~ post-adoption contact agreement and, if so, the conditions the parent would like to include in the agreement.

     (3) - (c)   (Continued)

Authority cited: Sections 10553 and 10554, Welfare and Institutions Code; Section 1530, Health and Safety Code; and Sections 8619, ~~and~~ 8621 and 8714.5, Family Code.

Reference: Sections 7601, 7602, 7610, 7613, 7630, 7631, 7633, 7650, 7660, 7661, 7662, 7663, 7664, 7665, 7666, 7802, 8512, 8604, 8616.5, 8617, 8619, 8700, 8703, 8705, 8706 and 8714.7, Family Code; and Section 316.2, Welfare and Institutions Code.

Amend Section 35129.1 to read:

35129.1 ADVISEMENT OF THE PARENT WHOSE CHILD HAS NOT BEEN REMOVED FROM THE PARENT'S CARE   35129.1

(a)Handbook - (c)(7)(D)   (Continued)

Authority cited: Sections 10553 and 10554, Welfare and Institutions Code; and Sections 8616.5, 8621, 8710 and 9202, Family Code.

Reference: Sections 1798.24(r) and (s), Civil Code; Sections 8608, 8700, 8701, 8702, 8703, 8704, 8706, 8708, 8709, 8710, 8711, 8714.7, 8714.5, 9202, 9203, 9204 and 9206, Family Code; Section 10850(b), Welfare and Institutions Code; and Section 10439, Health and Safety Code.

Amend Section 35152.1 to read:

35152.1 STATEMENT OF UNDERSTANDING FOR THE PARENT 35152.1 WHOSE CHILD IS NOT SUBJECT TO THE ICWA

(a) - (a)Handbook   (Continued)

(b)   In addition to the filing options described in Section 35141, the Statement of Understanding shall contain statements which summarize the following:

    (1)   For a mother or a presumed father of the child who is not detained, a juvenile court dependent in out-of-home care, or the ward of a legal guardian:

        (A) - (I)2.a.Handbook (Continued)

        (J)   The adopting parent or parents, the birth relatives, including the birth parent or parents, and the child, if age 12 or older, who is 12 years of age or older may enter into an enforceable written a post-adoption contact agreement to permit continuing contact between the birth parent or parents or birth relatives, including the birth parent or parents, and the child if: the court approves the agreement.

            1.   The child is to be adopted by birth relatives, and

            2.   The court approves the agreement.

        (K) - (X)   (Continued)

    (2)   For an alleged natural father of the child who is not detained, a juvenile court dependent in out-of-home care, or the ward of a legal guardian:

        (A) - (H)2.a.Handbook   (Continued)

        (I)   The adopting parent or parents, the birth relatives, including the birth parent or parents, and the child, if age 12 or older, who is 12 years of age or older may enter into an enforceable written a post-adoption contact agreement to permit continuing contact between the birth parent or parents or birth relatives, including the birth parent or parents, and the child if: the court approves the agreement.

            (1)   The child is to be adopted by birth relatives, and

            (2)   The court approves the agreement.

        (J) - (AA)   (Continued)

(3) For a mother or a presumed father of the child who is detained, a juvenile court dependent in out-of-home care, or the ward of a legal guardian:

(A) - (H)2.a.Handbook (Continued)

(I) The adopting parent or parents, the birth relatives, including the birth parent or parents, and the child~~, if age 12 or older,~~ who is 12 years of age or older may enter into ~~an enforceable written~~ a post-adoption contact agreement to permit continuing contact between the birth parent or parents or birth relatives~~, including the birth parent or parents,~~ and the child if~~:~~ the court approves the agreement.

~~1. The child is to be adopted by birth relatives, and~~

~~2. The court approves the agreement.~~

(J) - (Y) (Continued)

(4) For an alleged ~~natural~~ father of the child who is detained, a juvenile court dependent in out-of-home care, or the ward of a legal guardian:

(A)Handbook - (H)2.a.Handbook(Continued)

(I) The adopting parent or parents, the birth relatives, including the birth parent or parents, and the child~~, if age 12 or older,~~ who is 12 years of age or older may enter into ~~an enforceable written~~ a post-adoption contact agreement to permit continuing contact between the birth parent or parents or birth relatives~~, including the birth parent or parents,~~ and the child if~~:~~ the court approves the agreement.

~~(1) The child is to be adopted by birth relatives, and~~

~~(2) The court approves the agreement.~~

(J) - (X) (Continued)

Authority cited: Sections 10553 and 10554, Welfare and Institutions Code; and Sections 8621 and 9202, Family Code.

Reference: Sections 3010, 7500, 7501, 7601, 7602, 7610, 7611, 7612, 7630,7631, 7632, 7633, 7634, 7660, 7661, 7662, 7663, 7664, 7665, 8600, 8601, 8604, 8605, 8606, 8607, 8608, 8616, 8616.5, 8617, 8618, 8700, 8701, 8702, 8703, 8704, 8706, 8707, 8708, 8709, 8714.7, 9201, 9202, 9203, 9204, 9205 and 9206, Family Code; and Sections 1798.24(r) and (s), Civil Code; Section 621, Evidence Code; Sections 6408 and 6408.5, Probate Code; and Sections 316.2 and 16507.5, Welfare and Institutions Code.

Amend Section 35152.2 to read:

**35152.2 STATEMENT OF UNDERSTANDING FOR THE PARENT   35152.2
WHOSE CHILD IS SUBJECT TO THE ICWA ·**

(a) - (a)Handbook   (Continued)

(b) In addition to the filing options described in Section 35141, the Statement of
Understanding shall contain statements which summarize the following:

(1) For a mother or a presumed father of the child who is not detained, a juvenile
court dependent in out-of-home care, or the ward of a legal guardian and
who is subject to the provisions of the ICWA:

(A) - (J)2.a.Handbook   (Continued)

(K) The adopting parent or parents, the birth relatives, including the birth
parent or parents, an Indian tribe, and the child, if age 12 or older, who
is 12 years of age or older may enter into an enforceable written a post-
adoption contact agreement to permit continuing contact between the
birth parent or parents or birth relatives, including the birth parent or
parents or the Indian tribe, and the child if: the court approves the
agreement.

1.   The child is to be adopted by birth relatives, and

2.   The court approves the agreement.

(L) - (ll)   (Continued)

(2) For an alleged natural father of the child who is not detained, a juvenile court
dependent in out-of-home care, or the ward of a legal guardian, and who is
subject to the provisions of the ICWA through the mother's tribe:

(A) - (l)2.a.Handbook   (Continued)

(J) The adopting parent or parents, the birth relatives, including the birth
parent or parents, an Indian tribe, and the child, if age 12 or older, who
is 12 years of age or older may enter into an enforceable written a post-
adoption contact agreement to permit continuing contact between the
birth parent or parents or birth relatives, including the birth parent or
parents or the Indian tribe, and the child if: the court approves the
agreement.

1.   The child is to be adopted by birth relatives, and

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2.   ~~The court approves the agreement.~~

(K) - (LL)   (Continued)

(3)   For a mother or presumed father of the child who is detained, a juvenile court dependent in out-of-home care, or the ward of a legal guardian, and who is subject to the provisions of the ICWA:

(A) - (I)2.a.Handbook   (Continued)

(J)   The adopting parent or parents, the birth relatives, including the birth parent or parents, an Indian tribe, and the child~~, if age 12 or older,~~ who is 12 years of age or older may enter into ~~an enforceable written~~ a post-adoption contact agreement to permit continuing contact between the birth parent or parents or birth relatives~~, including the birth parent or parents~~ or the Indian tribe, and the child if: the court approves the agreement.

1.   ~~The child is to be adopted by birth relatives, and~~

2.   ~~The court approves the agreement.~~

(K) - (II)   (Continued)

(4)   For an alleged ~~natural~~ father of the child who is detained, a juvenile court dependent in out-of-home care, or the ward of a legal guardian, and who is subject to the provisions of the ICWA through the mother's tribe:

(A) - (I)2.a.Handbook   (Continued)

(J)   The adopting parent or parents, the birth relatives, including the birth parent or parents, an Indian tribe, and the child~~, if age 12 or older~~ who is 12 years of age or older may enter into ~~an enforceable written~~ a post-adoption contact agreement to permit continuing contact between the birth parent or parents or birth relatives~~, including the birth parent or parents~~ or the Indian tribe, and the child if: the court approves the agreement.

1.   ~~The child is to be adopted by birth relatives, and~~

2.   ~~The court approves the agreement.~~

(K) - (HH)   (Continued)

Authority cited: Sections 10553 and 10554, Welfare and Institutions Code; and Sections 8621and 9292, Family Code.

Reference: Sections 3010, 7601, 7602, 7610, 7611, 7612, 7660, 7661, 7662, 7663, 7664, 7665, 8600, 8601, 8604, 8605, 8606, 8608, 8616, 8616.5, 8617, 8618, 8619, 8700, 8701, 8702, 8704, 8706, 8708, 8714.7 8714.5, 9100, 9201, 9202, 9203, 9204, 9205 and 9206, Family Code; Sections 1798.24(r) and (s), Civil Code; Sections 6408 and 6408.5, Probate Code; Section 621, Evidence Code; Sections 316.2, 366.24 and 16507.5, Welfare and Institutions Code; and 25 USC Sections 1901, 1902, 1903, 1911, 1912, 1913, 1914, 1915, 1916 and 1917.

Amend Section 35177 to read:

**35177   WRITTEN APPLICATION AGENCY ACTIONS, AND   35177
            AUTHORITY FOR DISAPPROVAL**

(a) - (e)   (Continued)

(f)   The agency shall not approve an application for the adoptive placement of a child
        until all of the following requirements have been met:

        (1)   (Continued)

        (2)   The agency, when it is a licensed private adoption agency, has received
                written notification from the CDSS ~~Adoptions Branch~~ that the information
                contained in an FBI criminal record of an applicant does not preclude an
                adoptive placement.

(g) - (h)(2)   (Continued)

Authority cited: Sections ~~10533,~~ 10553 and 10554, Welfare and Institutions Code;
                   Section 1530, Health and Safety Code; and Section 8621, Family Code.

Reference: Sections 8704 and 8712, Family Code; Section 11105.2, Penal Code;
                 and Section 16119, Welfare and Institutions Code.

Amend section 35179 to read:

35179 INFORMATION TO BE PROVIDED TO AN APPLICANT 35179

(a) - (a)Handbook   (Continued)

(b)   The agency shall provide the applicants with information which shall include but not be limited to:

    (1) - (3)   (Continued)

    (4)   Information about any available resources or services that may assist the applicant in meeting the needs of the child, such as:

        (A) - (E)   (Continued)

        (F)   Additional resources, depending on availability, may include, but are not limited to, the following:

            1.   California Victim Compensation Board;

            2.   SSI payments;

            3.   Death Benefits (e.g., Social Security Survivor Benefits); or

            4.   Community based services.

               HANDBOOK BEGINS HERE

        (F) (G)   (Continued)

               HANDBOOK ENDS HERE

        (G) (H)   (Continued)

    (5) - (A)4.Handbook (Continued)

    (6)   Information about the availability of services to facilitate contact between the parties to the adoption, before or after the adoption is completed, including the development of a ~~kinship adoption agreement~~ post-adoption contact agreement ~~when the applicant is a relative of the child to be adopted.~~

              ~~HANDBOOK BEGINS HERE~~

        ~~(A)   Services to facilitate contact between the parties may include, but are not limited to, the following:~~

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(A) Services to facilitate contact between the parties and in the development of a post-adoption contact agreement may include, but are not limited to, the following:

    1. Acting as an intermediary for correspondence between the birth family and the adopted child or adoptive parents.

    2. Facilitating the development of an agreement for post-adoption contact between the parties of the adoption.

    3. Facilitating a meeting of the birth family and adoptive family.

(B) Services to develop the post-adoption contact agreement may include:

    1. Counseling services;

    2. Mediation or other dispute resolution process provided by the agency; or

    3. Court mediation services.

(7) (Continued)

(8) Requirements of Family Code Section 8702 and a written copy of the Adoption Information Act Statement (Form AD 908).

(9)   Agency's grievance review procedures <u>located at Sections 35215, 35217, 35219 and 35221.</u>

<center>~~HANDBOOK BEGINS HERE~~</center>

~~(A)   Agency grievance review procedures are located at Section 35233.~~

<center>~~HANDBOOK ENDS HERE~~</center>

(10) Laws regarding reunion between the adopted child and his or her birth family<u>, in accordance with Sections 35053(b), 35063(a) and 35065.1. As used in this paragraph, reunion refers to post-adoption contact as authorized by Family Code Sections 9203, 9204 and 9205.</u>

<center>~~HANDBOOK BEGINS HERE~~</center>

~~(A)   "Reunion" refers to post-adoption contact as authorized by Family Code 9203, 9204, and 9205.~~

~~1.   Family Code Section 9203 is located at Section 35053(b)(1).~~

~~2.   Family Code Section 9204 is located at Section 35065.1(a)(1)(A).~~

~~3.   Family Code Section 9205 is located at Section 35063(a)(1).~~

<center>~~HANDBOOK ENDS HERE~~</center>

(11) Information about the full assessment, abbreviated assessment, and updated assessment process <u>in accordance with Sections 35181, 35183 and 35183.1.</u>

<center>~~HANDBOOK BEGINS HERE~~</center>

~~(A)   The full assessment procedure is located at Section 35181.~~

~~(B)   The abbreviated assessment procedure is located at Section 35183.~~

~~(C)   The updated assessment procedure is located at Section 35183.1.~~

<center>~~HANDBOOK ENDS HERE~~</center>

<u>(12) In the case of an Indian child who is a dependent of the juvenile court, information regarding Tribal Customary Adoption, as defined in Welfare and Institutions Code Section 366.24.</u>

Authority cited: Sections 10553, ~~and~~ 10554 <u>and 16119(a)</u>, Welfare and Institutions Code; Section 1530, Health and Safety Code; and Sections 8608 and ~~8621~~ <u>8707</u>, Family Code.

Reference: Sections 8608, <u>8616.5,</u> 8702, 8706, 9203, 9204 and 9205, Family Code; Sections <u>366.24,</u> 16119 and 16121, Welfare and Institutions Code; and 25 U~~.S.C.~~ 1901 et seq.

Repeal Section 35179.1 to read:

35179.1   INFORMATION REGARDING KINSHIP ADOPTION   35179.1

(a)   The agency shall provide all the following information to prospective adoptive parents who are considering adoption of a related child:

(1)   Options available to relatives to establish a legally permanent relationship with a related child.

HANDBOOK BEGINS HERE

(A)   The options available to establish a legally permanent relationship may include the following:

1.   Adoption.

2.   Kinship Adoption.

3.   Guardianship.

HANDBOOK ENDS HERE

(2)   Resources available to meet the child's needs.

HANDBOOK BEGINS HERE

(A)   The resources, depending on the legal option and regional availability, may include, but are not limited to, the following:

1.   Victim's Witness Assistance.

2.   Special education services.

3.   Adoption Assistance Program payments.

4.   Regional Center services.

5.   SSI payments.

6.   Community based relative services.

7.   Foster care payments.

HANDBOOK ENDS HERE

(3) Requirement for a written application under Section 35177 and approval of the application before the child may be placed with the relatives for adoption.

(4) Requirement for an applicant assessment under Section 35180 or Section 35183.

(5) Availability of and requirements for a kinship adoption agreement as defined at Section 35000(k)(I)(A), including both of the following:

    (A) Forms developed under Family Code Section 8714.7(j) which shall accompany the agreement.

    (B) Services available to assist in the development of the agreement.

HANDBOOK BEGINS HERE

    1. The services available to assist in the development of a kinship adoption agreement may include, but are not limited to, any of the following:

        a. Services provided by the agency.

            (i) Counseling services.

            (ii) Facilitation services to assist in developing an agreement.

        b. Mediation or other dispute resolution process provided by the agency, a community-based mediation service, or private professional.

        c. Court mediation services.

HANDBOOK ENDS HERE

(6) Requirements that a child age 12 or older must consent to the kinship adoption agreement and that any child who is a juvenile court dependent or the subject of a dependency petition must be represented by an attorney for the purpose of consent to the agreement.

(b) The agency shall advise the birth parent of the availability of a kinship adoption agreement as defined at Section 35000(k)(1) and of any services as described in Section 35129.1(b)(3)(A) and Sections 35129.2(b)(3)(A) and (B).

Authority cited: Sections 10553 and 10554, Welfare and Institutions Code; Section 1530, Health and Safety Code; and Section 8621, Family Code.

Reference: Sections 8714.5, 8714.7, and 8715, Family Code.

Amend Section 35181 to read:

35181   FULL ASSESSMENT OF THE ADOPTIVE APPLICANT   35181

(a) - (c)(10)(A)   (Continued)

(d)   If the adoptive applicant is a relative, the agency shall consider ~~both of the following factors:~~ the nature of the relationship the relative applicant has with the birth parent or another extended family member.

   ~~(1)   The nature of the relationship the relative has with the birth parent or other extended family members.~~

   ~~(2)   Whether the relative would like to enter into a kinship adoption agreement and, if so, what kind of post-adoption contact the relative applicant would like to have with the birth parent or other family members.~~

(e) - (f)(1)Handbook   (Continued)

(g)   The agency shall consider whether the applicant would like to enter into a post-adoption contact agreement and, if so, the kind of post-adoption contact the applicant would like to have with the birth parent, another family member, or the child's Indian tribe.

Authority cited: Sections 10553 and 10554, Welfare and Institutions Code; Section 1530, Health and Safety Code; and Section 8621, Family Code.

Reference: Sections 361.5, 366.21, 366.22 and 366.24, Welfare and Institutions Code; Sections 8616.5, 8714.5 and 8802, Family Code; and Adam Walsh Child Protection & Safety Act of 2006, Public Law 109-248.

Amend Section 35183 to read:

35183   ABBREVIATED ASSESSMENT OF THE ADOPTIVE APPLICANT   35183

(a) - (d)(7)(A)   (Continued)

(e)   If the adoptive applicant is a relative, the agency shall consider ~~both of the following factors:~~ the nature of the relationship the relative applicant has with the birth parent or other extended family member.

    ~~(1)   The nature of the relationship the relative has with the birth parents or other extended family members.~~

    ~~(2)   Whether the relative would like to enter into a kinship adoption agreement and, if so, the kind of post-adoption contact the relative would like to have with the birth parent or other family members.~~

(f)   The agency shall consider whether the applicant would like to enter into a post-adoption contact agreement and, if so, the kind of post-adoption contact the applicant would like to have with the birth parent, other family member, or the child's Indian tribe.

~~(f)~~ (g) - (4) (Continued)

Authority cited: Sections 10553 and 10554, Welfare and Institutions Code; Section 1530, Health and Safety Code; and Section 8621, Family Code.

Reference: Section 8616.5, Family Code; and Sections 361.5, 366.21 and 366.22, Welfare and Institutions Code.

Repeal Section 35209 to read:

35209   KINSHIP ADOPTION AGREEMENT   35209

(a) If the adoption petition includes a proposed kinship adoption agreement, the
     agency shall review the documents to determine whether all the following
     requirements are satisfied:

     (1)   A kinship, as defined in Family Code Section 8614.7(c), exists between the
           adopting relatives and the child which allows kinship adoption agreement.

                          HANDBOOK BEGINS HERE

           (A)   Family Code Section 8714.7(c), states:

                 "(c)   This section is applicable only to kinship adoption agreements in
                        which the adopting parent is a relative of the child or a relative to
                        the child's half-sibling and the adoption petition is filed under
                        Section 8714.5. For purposes of this section and Section 8714.5,
                        "relative" means an adult who is related to the child or the child's
                        half sibling by blood or affinity, including all relatives whose status
                        is preceded by the words "step," "great," "great-great," or "grand,"
                        or the spouse of any of these persons, even if the marriage was
                        terminated by death or dissolution."

                           HANDBOOK ENDS HERE

     (2)   The content of the proposed kinship adoption agreement meets the statutory
           requirements specified in Family Code Section 8714.7.

     (3)   The proposed kinship adoption agreement is in the best interest of the child.

     (4)   The child who is to be adopted has consented to and signed a kinship
           adoption agreement, if he or she is age 12 or older.

(b) The agency shall advise the adopting relative and the birth parent if any
     determination made under Section 35127.1 will cause the agency to recommend
     that the court not grant the post-adoption contact privileges in the proposed
     kinship adoption agreement.

(c) The agency shall include in its report to the court a discussion of its findings and
     conclusions based on determinations made under Section 35127.1 and a
     recommendation as to whether the court should grant the post-adoption contact
     privileges in the proposed kinship adoption agreement.

(1)   ~~If the proposed kinship adoption agreement has been amended following advice given pursuant to Section 35127.1, the agency shall base its court report on the amended kinship adoption agreement.~~

Authority cited: Sections 10553 and 10554, Welfare and Institutions Code; Section 1530, Health and Safety Code; and Section 8621, Family Code.

Reference: Sections 8714.5, 8714.7, and 8715, Family Code.

Amend Section 35211 to read:

35211　COMPLETING THE COURT REPORT　35211

(a) - (c)　(Continued)

(d)　The report to the court shall include, to the extent available, the following information:

　　(1) - (3)　(Continued)

　　(4)　Conclusions drawn from an assessment of whether the petitioner's record of criminal or violent behavior, if any, will affect his or her ability to provide appropriate parenting and a stable and safe home environment for the child.

　　　　(A)　(Continued)

　　　　(B)　A licensed private adoption agency which has placed a child with an applicant requiring an FBI criminal record assessment by the SCDSS ~~Adoptions Branch~~ shall provide written notice to the SCDSS at least twenty working days prior to the anticipated adoption petition hearing date that the agency is preparing to finalize an adoption, and request the SCDSS assessment of the FBI criminal record, if any, be submitted to the court prior to the hearing date.

　　(5)　If ~~the prospective adoptive parent is a relative of the child to be adopted and~~ a written agreement, pursuant to Family Code Section ~~8714.7~~ 8616.5, has been negotiated by the birth relatives, a statement of whether the ~~kinship adoption agreement~~ post-adoption contact agreement as written is in the ~~child's~~ best interest of the child.

　　　　(A)　A statement recommending approval or disapproval of the ~~kinship adoption~~ post-adoption contact agreement shall be included.

　　(6) - (11)　(Continued)

(e)　The agency shall not include the names and addresses of the birth parents in the court report, unless:

　　(1)　The child is being adopted by a relative~~s as defined in Section 35000(r)(5)(A)~~ and the adopting relative or the child, who is ~~age~~ 12 years of age or older, requests that the court report include:

　　　　(A) - (B)　(Continued)

(f)Handbook - (f)(1)Handbook　(Continued)

Authority cited:	Sections 10553 and 10554, Welfare and Institutions Code; Section 1530, Health and Safety Code; and Section 8621, Family Code.

Reference:	Sections 8614, 8615, 8616, 8616.5, 8617, 8618, 8712, 8714.5, 8714.7, and 8715, Family Code; Sections 102635, 102640, 102645, 102650, 102660, 102670, 102675, 102680, 102695 and 102700, Health and Safety Code; and Section 16119, Welfare and Institutions Code; and Section 16119, Welfare and Institutions Code; and California Rules of the Court, rule 5.451.

Amend Section 35215 to read:

35215   WRITTEN REQUEST FOR GRIEVANCE REVIEW   35215

(a) Upon written request from an applicant or a prospective adoptive parent, the
agency shall provide for a grievance review hearing on any action taken by the
agency before a petition for adoption is filed.

   (1) The agency shall advise applicants or prospective adoptive parents that the
   request for a grievance review hearing shall:

      (A) - (C)   (Continued)

      (D) Be submitted to the SCDSS ~~Adoptions Branch~~ if the grievance
      concerns an action taken by a licensed private adoption agency based
      on the FBI criminal record.

         1.Handbook   (Continued)

   (2) - (D)Handbook   (Continued)

Authority cited: Sections 10553 and 10554, Welfare and Institutions Code; Section
1530, Health and Safety Code; and Section 8621, Family Code.

Reference: Section 8712, Family Code.

Amend Section 35315 to read:

35315   CONTENT OF THE COURT REPORT   **35315**

(a)   The report shall include:

    (1) - (2)   (Continued)

    (3)   A full report of the information obtained in the Assessment of the Applicant as required in Article 3, Sections 35269 and 35271.

        (A)   The court report shall include the assessment of the effect of the criminal record on the applicant's ability to provide adequate and proper care and guidance to the child.

            1.   (Continued)

                (i)a.Handbook   (Continued)

            2.   A licensed private adoption agency which has placed a child with an applicant requiring an FBI criminal record assessment by the SCDSS -Adoptions Branch shall provide written notice to the SCDSS at least 20 working days prior to the anticipated adoption petition hearing date that the agency is preparing to finalize an adoption, and request that the SCDSS -Adoptions Branch assessment of the FBI criminal record, if any, be submitted to the court prior to the hearing date.

            3   If the SCDSS -Adoptions Branch is not able to complete the court report by the time indicated in the private agency notice, the SCDSS shall advise the agency prior to the anticipated hearing date so that the hearing date may be postponed.

    (4) - (5)   (Continued)

Authority cited: Sections 10553 and 10554, Welfare and Institutions Code; Section 1530, Health and Safety Code; and Sections 8608, 8621 and 8901, Family Code.

Reference: Sections 8608, 8616.5, 8900, 8902, 8904, 8908, 8909, 8914 and 8915, Family Code.

ADOPT-310 Contact After Adoption Agreement
☐ **Original**   ☐ **Change**

Clerk stamps below when form is filed.

1 Your name(s) (adopting parent(s)):
a. _____
b. _____

Relationship to child:_____

Your address *(skip this if you have a lawyer)*:

Street: _____

City: _____ State: _____ Zip: _____

Your phone #: (_____) _____

Your lawyer *(if you have one): (Name, address, phone #, and State Bar #)*:

_____
_____
_____

Court name and street address:

Superior Court of California, County of

2 Information about the child:
a. Child's name (after adoption): _____
b. Date of birth: _____ Age: _____
c. Is the child a dependent of Juvenile Court? ☐ No   ☐ Yes
    If yes, Juvenile Court and Juvenile Case number:
    County: _____ Case #:_____

Case Number:

d. *If the child has a lawyer, fill out below. If Item 2c is yes, child must have a lawyer (Fam. Code, § 8714.7).*
    Name of child's lawyer: _____
    Address: _____
    City: _____ State: _____ Zip: _____
    Phone #: (_____) _____ State Bar #: _____

3 The people below agree with the parent(s) in **1** about contact with the child after adoption. *If the agreement is confidential, write "Confidential" instead of the person's name.*

If other relatives, attach a sheet of paper. Write "ADOPT-310, Item 3—Other Relatives" at the top.

Type of Contact *(circle all that apply)*:
☎ Telephone   ✉ Letter   🏠 Visits
📁 Share Info   🖥 E-mail   **?** Other*

Name	Relationship to Child	☎	✉	🏠	📁	🖥	?
a.		☎	✉	🏠	📁	🖥	?
b.		☎	✉	🏠	📁	🖥	?
c.		☎	✉	🏠	📁	🖥	?
d.		☎	✉	🏠	📁	🖥	?
e.		☎	✉	🏠	📁	🖥	?
f.		☎	✉	🏠	📁	🖥	?
g.		☎	✉	🏠	📁	🖥	?

Explain type of contact on a sheet of paper. Write "ADOPT-310, Item 3—Other Types of Contact" at the top.
Number of pages attached: _____

Judicial Council of California, www.courtinfo.ca.gov
Rev. January 1, 2003, Mandatory Form
Family Code, § 8714.5, 8714.7; Welfare & Institutions Code, § 366.26
~~Rev. January 1, 1999~~

Contact After Adoption Agreement
~~Kinship Adoption Agreement~~

ADOPT-310, Page 1 of 2
→

4 *If you have a signed, written agreement about Contact After Adoption, attach a copy.*
Number of pages attached: _____

5 The parties have discussed the reasons for the continued contact between the child and the specified relatives in view of the best interest of the child.

Notice

After the judge grants the Adoption Request and approves this agreement, the adoption is still valid.
It can never be canceled or changed even if one of the people signing this agreement:

- **Does not follow this agreement *and/or***
- **Files ADOPT-315 (to change, end, or enforce this agreement)**

When the adopted child turns 18, he or she can undo all or part of this agreement.

---

6 *Everyone involved in this agreement must sign below (including the child, if 12 or older, and the child's attorney).*

Date: _____ _____ ➤ _____
Type or print your name and relationship to child   *Sign your name*

Date: _____ _____ ➤ _____
Type or print your name and relationship to child   *Sign your name*

Date: _____ _____ ➤ _____
Type or print your name and relationship to child   *Sign your name*

Date: _____ _____ ➤ _____
Type or print your name and relationship to child   *Sign your name*

Date: _____ _____ ➤ _____
Type or print your name and relationship to child   *Sign your name*

Date: _____ _____ ➤ _____
Type or print your name and relationship to child   *Sign your name*

If more relatives need to sign, attach a sheet of paper. Write "ADOPT-310, Item 6—Signatures of Other Relatives," at the top.
Number of pages attached: _____

Date: _____ ➤ _____
Judge (or Judicial Officer)

ADOPT-310 — Contact After Adoption Agreement

□ Original   □ Change

(1) Your name(s) (adopting parent(s)):

a. _____

b. _____

Relationship to child: _____

Your address *(skip this if you have a lawyer):*

Street: _____

City: _____ State: _____ Zip: __ _____

Your phone # number: (_) _____

Your lawyer, (if you have one) *(name, address, phone # number, and State Bar # number):*

_____

_____

_____

Fill in court name and street address:

Superior Court of California, County of

_____

(2) Information about the child:

a. Child's name (after adoption): _____

b. Date of birth: _____ Age: _____

c. Is the child a dependent of Juvenile Court? □ No □ Yes

If yes, Juvenile Court and Juvenile Case number:

County: _____ Case #: _____

d. *If the child has a lawyer, fill out below. If item 2c is yes, child must have a lawyer (Fam. Code, § 8714.7).*

Name of child's lawyer: _____

Address: _____

City: _____ State: _____ Zip: _____

Phone number: # (_) _____ State Bar number: # _____

Court fills in case number when form is filed.

Case Number:

(3) The people below agree with the parent(s) requesting party(ies) in **(1)** about contact with the child after adoption. *If the agreement is confidential, write "Confidential" instead of the person's name.*

If other relatives you need more space, attach a sheet of paper. Write "ADOPT-310, Item 3-0ther Relatives " at the top.

Type of Contact *(circle all that apply):*
☎ Telephone ✉ Letter 🏠 Visits
📂 Share Info 💻 E-mail ? Other*

Name	Relationship to Child	☎	✉	🏠	📂	💻	?
a.		☎	✉	🏠	📂	💻	?
b.		☎	✉	🏠	📂	💻	?
c.		☎	✉	🏠	📂	💻	?
d.		☎	✉	🏠	📂	💻	?
e.		☎	✉	🏠	📂	💻	?
f.		☎	✉	🏠	📂	💻	?
g.		☎	✉	🏠	📂	💻	?

*Explain type of contact on a sheet of paper. Write "ADOPT-310, Item 3—Other Types of Contact" at the top.

Number of pages attached: _____

Contact After Adoption Agreement

ADOPT-310, Page 1 of 2

→

4 *If you have a signed, written agreement about Contact After Adoption, attach a copy.*
Number of pages attached: _____

5 The parties have discussed the reasons for continued contact between the child and the specified relatives or other parties, considering the best interests of the child.

~~grants the Adoption Request and approves this~~ **Notice** ~~agreement, the adoption is still valid.~~

1. **After the judge signs the Adoption Order for this child, the adoption is final. It can never be cancelled or changed, even if anyone who signed this agreement:** ~~one of the people signing~~
   • **Does not follow the agreement, and/or** ~~When the adopted child turns 18, he or she can undo all or~~
   • **Files ADOPT-315 (to change, end, or enforce this agreement).** ~~part of this agreement.~~
2. **Before this agreement can be changed by the court, all of the people who signed it have to try to fix any problems with it through a dispute resolution program, like mediation.**

---

6 *Everyone involved in this agreement must sign below (including the child, if 12 or older, and the child's attorney).*

Date: _____   _____   ▶ _____
                           Type or print your name and relationship to child   *Sign your name*

Date: _____   _____   ▶ _____
                           Type or print your name and relationship to child   *Sign your name*

Date: _____   _____   ▶ _____
                           Type or print your name and relationship to child   *Sign your name*

Date: _____   _____   ▶ _____
                           Type or print your name and relationship to child   *Sign your name*

Date: _____   _____   ▶ _____
                           Type or print your name and relationship to child   *Sign your name*

Date: _____   _____   ▶ _____
                           Type or print your name and relationship to child   *Sign your name*

If more relatives need to sign, attach a sheet of paper. Write "ADOPT-310, Item 6—Signatures of Other Relatives," at the top.

Number of pages attached: _____

Date: _____   _____
                                           Judge (or Judicial Officer)